

WFG Underwriting Bulletin



To: All California WFG Policy Issuing Agents; All WFG Escrow Officers and Employees
From: WFG Underwriting
Date: November 20, 2025
Bulletin No. CA 2025-02
Subject: Los Angeles and Ventura Counties Prohibition on Unsolicited Offers

A new California law, California Civil Code § 2079.26, went into effect November 9, 2025. It will be automatically repealed as of January 1, 2027.

This law makes it illegal for any person—including licensed real estate professionals—to make an unsolicited offer to buy residential property in any of these ZIP Codes:

90049	90263	90265
90272	90290	90402
91001	91024	91103
91104	91106	91107
91301	91302	91320

This is without regard to whether the property in question was actually affected by the fires. “Residential” is not defined in the statute, and because of the significant penalties to the buyer and Realtors® we interpret “residential” to include (a) a burned out shell of a home; (b) a vacant lot in a residential subdivision; (c) a mixed use property with some uses in addition to residential; (d) apartments, condominiums and cooperatives.

This law requires the buyer and seller – prior to the transfer of title -- to execute a written attestation stating that the purchase agreement was not entered into as a result of an “unsolicited offer” as defined in the statute. It also requires the buyer to record the signed attestation as an attachment to the deed or other conveyance of title. [\(Click here for a sample attestation document.\)](#)

Violations can result in:

- Civil penalties up to \$25,000 per violation,
- Misdemeanor criminal penalties (fine up to \$1,000 or up to six months in jail), and
- Possible license discipline for real estate professionals – whether making the offer on their own behalf, or on behalf of another person

And the seller has a right to cancel a purchase agreement entered in violation, exercisable until four months after the date of execution of the contract. The law does not state that the right to cancel ends with the closing of the sale – thus creating a title risk if there is no attestation document.

At the request of CLTA, the law expressly provides that the lack of a recorded attestation does not affect any constructive notice imparted by proper recordation of the deed or other conveyance and shall not affect the rights of any subsequent bona fide purchaser or encumbrancer.

Los Angeles County Guidance

On November 7, the Los Angeles County Registrar/Recorder's office issued a memo stating that their office

- Will not reject the document if the attestation is not attached.
- expects the attestation to be attached to the deed and properly labeled as an attachment or exhibit.
- The attestation does not require a notary acknowledgment separate from the one on the deed, but it may be separately acknowledged.
- The recorder will accept the attestation signed electronically. However, we will expect the entire document that it is attached to also be signed and notarized electronically.

Closing Practices

For residential properties in the listed ZIP Codes

- Escrow officers must obtain the executed Attestation of Compliance before recording.
- The buyer (not the escrow agent) is responsible for recording it, but in practice escrow should handle it as part of the deed package to ensure compliance to help protect our buyers, sellers and Realtors® from civil and criminal penalties.
- Real estate licensees are subject to disciplinary action if they knowingly make or facilitate an unsolicited offer. So we encourage our Realtor® partners to have the Attestation signed by both parties at the time a contract is accepted. Note the restriction above on the recording office's limitation on e-signing.
- If a fully signed attestation is not provided, DO NOT RECORD the transaction without clearance from WFG Underwriting or the WFG legal department.
- A form for the attestation is attached below.

Title Practices

- Educate the California examiners that they will start to see the Attestation of Compliance documents in their searches
- Do not insure the purchaser of residential properties in the listed ZIP codes unless the Attestation of Compliance is executed by both buyer and seller.
- The attestation should be recorded with the deed or conveyance document.
- Include the following special note in the policy file or commitment:

“This transaction may be subject to California Civil Code § 2079.26 (AB 851, 2025) regarding unsolicited offers to purchase residential property in certain ZIP Codes in Los Angeles and Ventura Counties. The buyer and seller must have executed and recorded the required attestation of compliance prior to closing”

“WFG reserves the right to add an exception to Schedule B if the attestation cannot be confirmed.

The failure or refusal of the parties to execute the attestation should be discussed with your California WFG underwriter **BEFORE CLOSING**.

This is an appropriate exception to be added to the final policy if no attestation is given.

“Rights or claims of any party arising out of or related to an alleged violation of California Civil Code § 2079.26 concerning unsolicited offers to purchase residential property.”

For questions about this bulletin or the handling of transactions in which no attestation has been provided, contact your WFG California Underwriter.

NOTE: This Bulletin is for the sole purpose of establishing underwriting positions and policies reflecting WFG National Title Insurance Company’s best business judgment. The information contained in this Bulletin is intended solely for the use of employees of WFG National Title Insurance Company, its title insurance agents and approved attorneys. Disclosure to any other person is expressly prohibited unless approved in writing by the WFG National Title Insurance Company’s Underwriting Department.

The Agent may be held responsible for any loss sustained as a result of the failure to follow the standards set forth above.